

Email Best Practice Recommendations

Office of Regional Counsel, EPA Region 8

“There’s one guy in your outfit who understands the need not to write stupid emails: That’s the guy who just spent all day in deposition being tortured with the stupid emails that he wrote three years ago.” – Mark Herrman

Email is a vital tool for communication. Properly used, it helps us do our jobs better. It can also be a drain on productivity, a source of legal vulnerability, a waste of time, and a cause of embarrassment. The tips below are meant to help us all use email better, so as to take advantage of its capabilities while avoiding its pitfalls.

Key recommendations: maintain a professional tone; be concise; respect privacy.

Tone and content

1. *Always be professional.* Snide comments and profanity are not immune from disclosure. There is no deliberative process privilege for embarrassing or inappropriate comments. And what’s funny today may not be later when an email is released publicly.
2. *Don’t needlessly include personal information.* Even if you don’t care whether your home address, personal cell number, or illness is disclosed, a document reviewer will not know that, and including the information means that someone may need to take the time to redact it. If you need to include personal information, try to identify it as such. For instance, say “call me on my personal cell” rather than “call me on my cell.”
3. *Don’t gratuitously forward articles.* If you do forward an article, don’t comment unless it’s useful to do so, and clearly mark any privileged comment. Why? Personal views or speculation in a comment on a forwarded article are almost never exempt from disclosure. Also, forwarded articles cause clutter in FOIA reviews.
4. *Stay on topic.* Don’t include an unrelated subject in a long thread. Try to stay on a single topic in an email, because we may not be able to redact information about Site Y when responding to a FOIA on Site Z. Apply this principle to attachments as well — avoid attaching documents on several different subjects to one email.

Formatting and composition

5. *Make sure the subject line is useful.* Keep the subject field relevant, but try not to include privileged content in it.
6. *Use privilege headers thoughtfully.* Don’t use boilerplate disclaimers at the bottom of emails. You can use the Outlook “Quick Parts” function to create standard labels — for example, “attorney-client communication,” “attorney work product,” “deliberative” — that you can insert at the top of an email when appropriate. (Note: these labels may soon be standardized under EPA’s new Controlled Unclassified Information procedures.)
7. *Be concise.*
8. *Think about whether email is the best tool.* Especially for complex or easily misunderstood issues, think about whether it’s better to explain in person or by phone instead of by email.
9. *Use a signature block, but avoid unnecessary graphics.* Include at least your title and phone number. Don’t put graphics or quotations in your signature block. Among other concerns, using them can create clutter in document reviews. For that reason, also avoid using Outlook’s functions to put background colors, patterns, or images in your email.

10. *Careful with “reply all.”* Use it judiciously and thoughtfully, not automatically.
11. *Take your time composing.* Reread each email before you hit “send.” You may want to fill in the names last, to keep from accidentally sending it before you’re done.

Technical and productivity tips

12. *Work in the EPA cloud.* Use Sharepoint to collaborate on documents so you don’t have to send many different drafts back and forth.
13. *Avoid sending large files.* If a document is available online, copy and paste a link to the document instead of attaching it to an email.
14. *Disable popup notification of new emails.* Don’t check email constantly — set aside time once an hour or less often, if you can. Multitasking and interruptions impair productivity.
15. *Don’t use your inbox as a to-do list.* Try flagging messages if you have to do something with them that you can’t do immediately.
16. *Filter non-urgent material out of your inbox.* For instance, use Outlook rules to route newsletters to a reading folder.
17. *Avoid redundancy.* Consider using Outlook’s Cleanup Tool, which can move redundant parts of email conversations to a designated folder. (If you use it, be sure to create a new folder for the cleaned-up email so that it does not go to your deleted items. Even the redundant material could be subject to litigation holds or other preservation requirements.)
18. *Don’t bury yourself.* Be thoughtful about signing up for mailing lists.

Legal and policy issues

19. *Use government systems for work communications.* Avoid using personal accounts for agency business. If in an emergency you do have to use a personal email account for a work communication, copy your work email address or forward the communication to your work address within 20 days. Do the same if you inadvertently send a work communication from a personal account, or if you do so for any other reason.
20. *Understand privileges and exemptions from disclosure.* For instance, copying an attorney does not automatically make an email attorney-client privileged.
21. *Remember CBI restrictions.* In general, it is not a good idea to send CBI by email. Consult with an EPA information law attorney before doing so.
22. *You are not the only one who can see your work email.* Generally, you have no reasonable expectation of privacy in your work email.
23. *Pay attention to records issues.* Emails, texts, photographs, video, and other forms of electronically stored information may be records requiring preservation, may be responsive to FOIA requests, and may be discoverable in litigation. Review EPA’s Records Management Policy (<https://www.epa.gov/sites/production/files/2015-03/documents/cio-2155.3.pdf>) and the Agency’s verbal communications guidance (<http://www.epa.gov/records/faqs/verbal.htm>) for more information.